

AO 450 (Rev. 5/85) Judgment in a Civil Case ⊕

---

## UNITED STATES DISTRICT COURT

\*\*\*\*\* DISTRICT OF NEVADA

RODGER E. HAYWARD,

Petitioner,

JUDGMENT IN A CIVIL CASE

V.

CASE NUMBER: **3:91-CV-00147-LRH-VPC**

SALVADOR GODINEZ, et al.,

Respondents.

\_\_\_ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

\_\_\_ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

X **Decision by Court.** This action came to be considered before the Court. The issues have been considered and a decision has been rendered.

**IT IS ORDERED AND ADJUDGED** that petitioner's First Amended Petition for Writ of Habeas Corpus (#124) is DENIED.

**IT IS FURTHER ORDERED** that petitioner is granted a certificate of appealability with respect to the following issues:

1. Whether Hayward is entitled to an unconditional writ of habeas corpus and immediate release from custody due to the State of Nevada's failure to comply with the Ninth Circuit's June 10, 1994 order granting Hayward a direct appeal from his conviction and sentence.

2. Whether Hayward's Fifth and Fourteenth Amendment rights to due process were violated by the repeated instances of prosecutorial misconduct during closing argument. (Ground One)

3. Whether Hayward's convictions and sentences for the crimes of sexual assault and lewdness with a minor were obtained in violation of his Fourteenth Amendment right to due process as defined by the United States Supreme Court in *Jackson v. Virginia* because the State did not present sufficient proof to justify that he was guilty beyond a reasonable doubt of each of those offenses. (Ground Two)

4. Whether the trial court's misconduct throughout the course of the proceedings culminating in Hayward's guilty verdicts, conviction, and sentence resulted in a violation of his rights under the Sixth Amendment and the Due Process

Clause of the Fourteenth Amendment. (Ground Three)

5. Whether the child witness's hearsay statements presented during Hayward's trial through other witnesses resulted in a violation of his Sixth Amendment right to confrontation and Fourteenth Amendment right to due process. (Ground Four)

March 31, 2009

**LANCE S. WILSON**  
Clerk

/s/ D. R. Morgan  
Deputy Clerk